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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Landry to Engrossed House Bill No. 1146 by Representative Landry

1 AMENDMENT NO. 1

2 On page 1, line 2, change "Article 1247(B)" to "Articles 1244(A), 1245(A), 1247(B), and
3 1253(A)"

4 AMENDMENT NO. 2

5 On page 1, line 3, change "Article 1245.1" to "Articles 1245.1 and 1258"

6 AMENDMENT NO. 3

7 On page 1, line 6, after the semicolon ";" insert "to provide for time periods; to provide for
8 the refusal of a decree; to provide for attorney fees;"

9 AMENDMENT NO. 4

10 On page 1, line 8, change "Article 1247(B) is" to "Articles 1244(A), 1245(A), 1247(B), and
11 1253(A) are"

12 AMENDMENT NO. 5

13 On page 1, between lines 9 and 10, insert the following:

14 "Art. 1244. Consent of parent
15 A. Except as otherwise provided herein, any parent may execute an authentic
16 act consenting to the adoption of his child in an intrafamily adoption, including a
17 waiver of service or notice for any subsequent proceeding.
18 * * *"

19 AMENDMENT NO. 6

20 On page 1, at the end of line 11, insert a semicolon ";" and insert "attorney fees"

21 AMENDMENT NO. 7

22 On page 2, delete line 5 in its entirety and insert "appointment of counsel. A separate
23 hearing to make this determination shall be held within thirty days of the filing of"

24 AMENDMENT NO. 8

25 On page 2, at the end of line 7, change "forty-" to "sixty" and at the beginning of line 8,
26 delete "five"

27 AMENDMENT NO. 9

28 On page 2, delete lines 10 and 11 in their entirety and insert the following:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 "1134 on the opposing parent, the legal custodian, the petitioner, counsel appointed
 2 for the child, counsel appointed for the parent, and the other parent not consenting
 3 to the adoption pursuant to Article 1144 or whose rights have not previously been
 4 terminated.

5 F. When a parent opposes an adoption and does not prevail the court may
 6 order the parent to pay court costs. When a parent opposes an adoption and the court
 7 determines the opposition is frivolous, the court may order that parent to pay court
 8 costs, attorney fees, and any other appropriate sanctions.

9 Art. 1245. Parental consent not necessary; burden of proof

10 A. The consent of the parent as required by Article 1193 may be dispensed
 11 with upon proof by clear and convincing evidence of the required elements of either
 12 Paragraph B or C of this Article at the hearing on the opposition or at the hearing of
 13 the petition when no opposition is filed."

14 AMENDMENT NO. 10

15 On page 2, deletes lines 27 through 29 in their entirety and insert the following:

16 "notice. If you do not file a written declaration of your intent to oppose the adoption within
 17 fifteen days you will lose the right to object to the adoption. A court hearing of your case
 18 has been scheduled for the __day of__ at the__division of__ court in the parish of__. If you
 19 fail to appear, the"

20 AMENDMENT NO. 11

21 On page 3, line 9, after "attorney" delete the comma "," and delete "you may call the" and
 22 insert "and you oppose the adoption, your opposition must request that the court determine
 23 if you have the right to have an attorney appointed. You may also call the"

24 AMENDMENT NO. 12

25 On page 3, delete lines 12 through 15 in their entirety and insert the following:

26 "The court will determine if an attorney will be provided for you at a separate hearing.
 27 Whether or not you decide to hire an attorney, you have the"

28 AMENDMENT NO. 13

29 On page 3, between lines 20 and 21, insert the following:

30 "Art. 1253. Hearing; petition for intrafamily adoption

31 A. The court shall sign the order setting the time and place for the hearing
 32 of the petition for intrafamily adoption ~~not less than thirty nor more than sixty~~ within
 33 ninety days after the filing of the adoption petition. The court may extend this time
 34 for up to sixty days for good cause, which may include a showing by the department
 35 that it has been impossible to gather the necessary data within the time prescribed.
 36 The court may reduce the time to a minimum of fifteen days with written approval
 37 of the department and the petitioner. ~~If an extension of time is granted, the court~~
 38 ~~shall set a new hearing date and shall require the petitioner to report to the court,~~
 39 ~~either at that hearing, or before, in detail concerning the progress of the child's~~
 40 ~~adoptive placement.~~

41 * * *

42 AMENDMENT NO. 14

43 On page 3, line 21, change "Article 1245.1 is hereby repealed in its" to "Articles 1245.1 and
 44 1258 are hereby repealed in their"